

Lay Perspectives on Marriage and the Family Introduction into the Colloquium

“One of the most unsettling issues in the contemporary church is the unabated discrepancy between the official teaching on matters of sexual and conjugal morality and the way people shape and organize their sexual, marital and family life. Church officials often address this gap by merely condemning undesirable departures from traditional Christian morality.” Possibly, this analysis written in the invitation leaflet to this colloquium will soon have to be revised. On 8 October 2013 Pope Francis called for two Assemblies of the Synod of Bishops to be held in 2014 and in 2015 to discuss “The pastoral challenges of the family in the context of evangelization”. This happens “only” thirty years after the previous Synod on the Family and its condensation in *Familiaris consortio*, which so far we were told to regard as a kind of “Magna Charta” of Catholic teaching on marriage and the family. As part of the bargain, the Vatican has asked the world’s bishops to distribute among their pastors and faithful a “questionnaire” and to report back to Rome how the teaching on issues such as contraception, unmarried cohabitation, same-sex marriage and divorce has been received in the local churches. Should the magisterium really have understood that its teaching on these issues and the practice of many, faithful Catholics have dramatically drifted apart over the past decades?

Whatever will become of this questionnaire and the synodal assemblies that it is supposed to prepare for, the pope’s initiative has given additional topicality and relevance to our colloquium. The cleavage between the magisterial teaching

and Catholics’ sexual and relational behaviour has become a commonplace for which sufficient scientific evidence has been provided by now. For instance, in 2010 and 2012 the Centre for Marriage and Family Studies (*Zentralinstitut für Ehe und Familie in der Gesellschaft*) at the Catholic University Eichstätt-Ingolstadt in Germany carried out a survey (*Jugendwertstudie*) among 300 Catholic adolescents (between the age of 16 and 21) and their parents in which the value orientations and attitudes of these youngsters with regard to marriage, sexuality, family and partnership were compared with the attitudes of average teenagers in the German population.¹ While these young Catholics have a relatively strong religious value orientation along with a preference for a traditional type of family – which makes the researchers believe that they are still from a *catholic milieu* –, they do not differ from their non-Catholic peers when it comes to issues of sexuality and partnerships. Like their average peers, they have been sexually active (44% indicated that they have had sexual intercourse), they use contraceptives and, like most of their parents, they do not reject premarital sex (only 4% of the adolescents and 8% of their parents are strictly against sex before marriage). In her conclusion, the author of the study confirms that the hypothesis of a “discrepancy” can be verified since “the ecclesiastical orientation parameters in the realm of sexuality increasingly veer away from the way of life that

¹ See <http://www.ku.de/forschungseint/zfg/forschungsprojekte/jugendwertstudie/>; accessed 24-11-2014.

is practiced by and accepted as guiding action for the faithful”.²

So far church officials seemed to presume that the problem is situated almost exclusively at the level of the faithful themselves who are unwilling or unable to follow the moral law in their individual lives and relationships. In her long history, the church has of course constantly been confronted with smaller or larger numbers of their faithful who did not comply with the sometimes lofty moral ideals that were suggested to or imposed on them. A proven remedy to deal with human weakness and sinfulness in pastoral practice was confession and the sacrament of penance. Ethically, “deviant behaviour” of Christians that contradicted the objective moral norm could be “excused” to some degree by pointing to the moral fragility of concrete persons and to the boundaries of free and responsible human action. In this way the *Catechism of the Catholic Church* still upholds that the “imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments and other psychological and social factors”.³

In the present situation, however, “deviant sexual behaviour” and “irregular relational lifestyles” have not only massively been increasing among Catholics. What is more striking and alarming is that people no longer regard their deviance as aberration from and infringement of the moral law. The problem is thus no longer the gap between value and action but much more fundamentally the divergence between what Catholics discern as being morally good or bad and what the church teaches to be the moral norm. Although this is not true for every issue – with regard to adultery, rape and incest for instance most Christians would concur with the moral judgement of the church –, it is for central issues such as contraception and remarriage that have dominated the debates among Catholics over the past decades and it undoubtedly will be in the future with regard to same-sex unions. To put it bluntly: while in the past the problem has been one of practice lagging behind the theory,

it is for some time now theory itself that is put into question.

Over the past decades moral theologians have lucidly registered and analysed the situation. In their diagnosis many of them have come to the conclusion that indeed something is wrong with the “theory”, at least with the way the magisterium establishes, expresses and conveys the moral norm. They have spotted a number of methodological flaws, such as

- the magisterium’s reference to natural law which is largely uninformed by scientific insights and presumes that human nature can be identified with biological finalities, without taking into consideration that human reason plays an essential role in the knowledge of nature as well as in the historical, cultural, and social shaping of that nature;⁴
- or a moral discernment that is unduly centred on the isolated individual act while neglecting the complexity of each human person being created in the image of God, going through different phases of physical and personal maturation, and being called to realize the relational character of human sexuality;⁵
- or a morality that focuses predominantly on prohibitions and tells people what not to do (in a list ranging from masturbation, contraception, and homosexual acts to divorce and adultery), while failing to provide any tools that might help them to come to terms with their sexuality and to build up authentic and trustworthy relationships.

Mainstream Catholic moral theologians have also criticized inadequate thematic emphases in the church’s teaching on marriage and the family. A first “fixation” is on marriage as the moral norm for all sexual relations. Since the 1970’s non-marital cohabitation has become a widespread and culturally accepted form of living together, mainly for adolescents and young adults. From empirical research we know that there are different types of cohabitants. Some do not see themselves in a position to get married immediately; some want to get to know the partner better, test the relationship and experience

the practice of daily living together; others do not want to commit themselves in a definite way. Only a minority of them strictly refuses (later) marriage. And we know also that most of these unions are not void of any moral responsibility and that the partners often share in the marital ideals of partnership, faithfulness, and exclusivity. It is equally known that the expectations for an enduring partnership are much higher today than in the past and that also the fragility of relationships and the risk of failure have increased. Can one then claim in an undifferentiated way, as the Catechism does, that “[a]ll these situations offend against the dignity of marriage; they destroy the very idea of the family; they weaken the sense of fidelity. They are contrary to the moral law. The sexual act must take place exclusively within marriage. Outside of marriage it always constitutes a grave sin and excludes one from sacramental communion”?⁶

A second problem that theologians have addressed is the magisterium’s insistence on procreation as the main purpose of sexuality. After *Gaudium et spes* had attempted to overcome the canonical perspective of viewing marriage primarily as an institution for the procreation and education of children, the authors of *Humanae vitae* reinstated that an openness to procreation must be attached to each and every marital sexual act, which excluded almost every practical means of regulating fertility. Only a few people would deny that a meaningful sexual relationship ideally goes along with the openness to children. But under today’s conditions establishing and maintaining a stable sexual partnership and the bearing of offspring are spread over subsequent stages in a life course which each require a conscientious decision to enter into a new phase of life. Should the openness to children then not be seen much more as a chance to strengthen the partners’ commitment rather than as a precondition for entering a sexual relationship?

All these matters have intensely been discussed over the past 45 years – with great erudition, with compelling arguments and often also with great dedication from the side of Catholic ethicists. So

far, however, this has been without much success, since the magisterium has shown hardly any flexibility when it comes to what it claims to be the unalterable doctrine of the church. One may wonder whether the time has come to look for a new starting point in Christian sexual, conjugal and family ethics, a starting point that does not pass over what eminent scholars have elaborated during the past decades but that suspends for a moment their primary question of whether “the moral theory has got it right”. What about looking more closely at the “practice”, learning from people “on the ground” why they shape their relational and sexual lives the way they do, what things matter to them and why they do, what values they discern in their direct experiences⁷ – with the partner they live together with without committing themselves in a definitive way, in view of contraceptive means they may or may

- 2 M. KÜHN: *Werteorientierungen und Einstellungen katholischer Jugendlicher. Identifikation eines katholischen Milieus anhand von Werthaltungen junger Katholikinnen und Katholiken*, Zentralinstitut für Ehe und Familie in der Gesellschaft, Katholische Universität Eichstätt-Ingolstadt 15. Juli 2013, 22; available at [http://edoc.ku-eichstaett.de/15004/1/WPMarion_24072013\(1\).pdf](http://edoc.ku-eichstaett.de/15004/1/WPMarion_24072013(1).pdf); accessed 24-11-2014. See also the author’s contribution in this issue entitled “Religion, Values, Sexuality – Catholic Youth in Conflict: Value Orientations and Attitudes of Young Catholics”.
- 3 Cf. *Catechism of the Catholic Church*, no. 1735. See also R. BURGGRAEVE: “Historical Building Blocks for a Consistent Relational and Sexual Ethics”, in: J.F. KEENAN (ed.): *Catholic Theological Ethics Past, Present, and Future: The Trento Conference*, Maryknoll, New York: Orbis Books, 2011, 86-95.
- 4 See F. BÖCKLE: “Was bedeutet ‘Natur’ in der Moraltheologie?”, in: Id. (ed.): *Der umstrittene Naturbegriff: Person, Natur, Sexualität in der kirchlichen Morallehre*, Düsseldorf: Patmos, 1987; more recently T.A. SALZMAN/M.G. LAWLER: *The Sexual Person: Toward a Renewed Catholic Anthropology*, Washington, DC: Georgetown University Press, 2008.
- 5 Cf. J.A. SELLING: “The Development of Catholic Tradition and Sexual Morality”, in: Id. (ed.): *Embracing Sexuality. Authority and Experience in the Catholic Church*, Aldershot: Ashgate, 2001, 149-162.
- 6 *Catechism of the Catholic Church*, no. 2390.
- 7 Cf. for a similar approach in the social sciences A. SAYER: *Why Things Matter to People. Social Science, Values and Ethical Life*, Cambridge etc.: Cambridge University Press, 2011.

not use, with regard to the children they may or may not desire, in a same-sex relationship etc. And it may be that Pope Francis' new initiative provides the opportunity and free space to move in that direction.

Catholic moral theology has recognized the role of human experience as a source of moral discernment next to Scripture, tradition, and other disciplines of knowledge. What that means and how experience "works" in moral reasoning can perhaps best be illustrated with regard to issues which our moral reasoning has not yet come to terms with. Take the case of homosexuality. If I turn to the church tradition and to the bible, I will not find much evidence to convince me that homosexual acts are morally defensible or even good. After going through some more recent philosophical and theological literature, I may even be inclined to believe that being a human person means being a male or a female interdependently and not independently and that the difference of the two sexes is therefore fundamental to a fulfilling sexual life. My negative stance may, however, topple if I happen to have close friends who live in a loving, faithful and exclusive same-sex relationship. From observation and conversation with them, the insight may gradually grow in me that this couple does not lack anything essential to living a meaningful and fulfilling relationship. The encounter with this couple and thus direct *experience* leads me to discover a real human value in the homosexual relationship. And if this new insight continues to persuade me and to hold true, it will ultimately function as a measure against which I will test Scripture, church tradition and other informed positions.

Experience is thus a source for the moral theologian as it "gives special hope of finding new evidence, for experience is created by the here and now and therefore is especially open to the new insights that surface [...] at given times and places".⁸ But what I have described in the above case as "my experience" is in some way only a "second-hand" or "vicarious experience". "I" – being a male heterosexual – have experienced a real value in the homosexual couple's

relationship but I do not have access to the primary experience of the couple itself when they perceive, or do not perceive, their sexual relationship as something valuable and morally good. Here lies another, deeper layer of value experience which the moral theologian should also attend to. And it is here that ultimately the notion of "lay" comes in. I will try to illustrate this by way of a short excursus.

The chapter on marriage and the family in the Pastoral Constitution *Gaudium et spes* of the Second Vatican Council appears to the attentive reader as a strange compromise between two different theological approaches. Whenever it refers to marriage as being "established by the Creator and qualified with his laws", "endowed...with various benefits and purposes" which all "have a very decisive bearing on the continuation of the human race" and finally stipulates that marriage is "ordained for the procreation and education of children"⁹, one is reminded of the overly juridical and institutional approach that characterized the pre-conciliar conception of marriage. The perspective here is that of an external spectator who looks down on the married couple from an elevated position. What he sees there is a natural order, providentially arranged by God in which couples have their place to assume and their role to play, i.e. to produce offspring for the propagation of the human race. But then there is also that other approach in the text when it talks about the "intimate partnership of married life and love", about "a man and a woman who...render mutual help and service to each other through an intimate union of their persons and their actions" and thus "experience the meaning of their oneness"¹⁰. We have left here the external observer's position and find ourselves next to any average couple. What we see there is no longer a pre-established harmonious order but married life in close-up view: two spouses primarily concerned with the well-being of their relationship, which the text refers to as the "good of the spouses" (*bonum coniugum*). The so-called personalist turn in the theology of marriage brings us much closer to the reality of married

life and the experiences of the couple. Down here priorities are clearly different, with the quality of the interpersonal relationship taking precedence over the relevance of offspring for society and church (*bonum prolis*).

Luckily, the majority of the council fathers were sensitive and clear-sighted enough to realize that the remote institutional vision of the pre-conciliar period would no longer appeal to the mentality of contemporary people, neither outside nor inside the church. So they suspended the former approach and agreed that the experiences many of them had gained in their pastoral ministry with married couples should be given a voice in the church's discourse on marriage. They did what I did when I allowed my experiences with my befriended homosexual couple to influence my moral judgment. And just as from that moment on I looked differently on homosexual relations, they took a different view on marriage. The similarities stretch even further. I mentioned above that my experience with same-sex relations has been a vicarious experience since I cannot place myself in the position of homosexual partners. The same is true for the conciliar text which recognizes the spousal life as a valuable source for theological insight but does not lend its voice directly to individual couples. The council's willingness to admit marital experiences into its theology has gone far, but not that far. In the end, couples would have to make out for themselves whether "intimate partnership of married life and love" or "marital covenant" were categories in which they could recognize themselves. For sure, lived married life is always much richer than these abstract theological conceptualizations suggest – but it can also run up against the boundaries of such conceptual frameworks. The fierce debates about divorce and remarriage in the post-conciliar period have shown that the council fathers had indeed opened a Pandora's Box when favouring the personalist view over the older juridical one. What happened was that experience "taught" some couples, whose relationships had broken up, that once love and commitment – according to *Gaudium et spes* the core elements

of the intimate loving union – have irreversibly gone, the relationship has lost its foundation and the marriage has died. Most bishops and theologians at the council would certainly not have approved of this stance.

The question then is which and whose experiences can justifiably be admitted into our theological and ethical discourse, and which ones have to be excluded, and if so, on what grounds? I cannot go here into the many intricacies that this question conjures up for the methodology of Christian ethics. My short-circuit answer is that we should carefully listen to and take seriously first-hand experiences however incompatible with a Christian view they may appear at first sight.

The first reason is that experience can allow new evidence to surface here and now which abstract theories don't. We are all hermeneutically versed enough to acknowledge that experience is never pure or innocent but always shaped by the theoretical frameworks and worldviews which render it possible in the first instance. But still, "it is experience itself that has taught us: the worldviews that shape experience can be challenged and in some respects modified and even overturned. The hermeneutical circle is not so tightly shut that we are denied a critical edge or opening."⁸

The second reason for my plea in favour of a wide range of experiences to be admitted in moral theology is that experiential evidence is much more connected with the interior, subjective, personal and private character of our knowledge and forms thus an indispensable counterweight to the theoretical evidence with its claim

8 J.G. MILHAVEN, "The Voice of Lay Experience in Christian Ethics", in: *CTSA Proceedings* 33 (1978), 35-53, here 42. The quote goes on: "...For the same reason it is especially open to fresh inspiration by the Spirit." See also D.C. MAGUIRE: *The Moral Choice*, Garden City, NJ: Doubleday and Co., 1978, esp. 309-342.

9 See *Gaudium et spes*, no. 48.

10 Ibid.

11 M.A. FARLEY: *Just Love: A Framework for Christian Sexual Ethics*, New York-London: Continuum, 2008, 192.

of objectivity and universal validity. If I understand marriage to be a juridical institution which infallibly guards the couple against the individual's weakness and arbitrariness, I do not care about the imponderabilities of interpersonal relationships and of conjugal love because these are simply out of my range of vision. The perspective I assume or choose in this case is that of the external spectator who takes his distance from what he observes or describes. Objectivity is only warranted if I can look at a thing or event from all possible angles; this presupposes an elevated position. But once I leave or lose the observer's position and find myself in the messiness of lived reality, my perspective and – as we have seen – my priorities become different. Once I have lost sight of the objective framework of the marital institution, I may experience the relationship as vulnerable and fragile, even to the point of renouncing any idea of indissolubility as senseless or false. My position and perspective has become a "subjective" one which our common understanding immediately (dis)qualifies as limited because others will possibly view things differently. But still, who would deny that I get to see something here that remains hidden from an objective point of view?

The two positions or perspectives could also be described as that of the *expert/specialist* who keeps the overview on the one side and that of the *layperson* on the other. The Latin term *laicus* for layman was also rendered as *idiota*, deriving from the Greek *idiotes* ("person lacking professional skill") and *idios* ("private", "one's own") and thus refers to someone who is concerned almost exclusively with personal or private – as

opposed to public – affairs. The "lay" perspective is therefore the perspective of the "insider", the one who knows from within and therefore better than anyone else. The risk that is inherent in this figure is that if one fails to go beyond one's own horizon and to "exteriorise" or "objectify" one's very knowledge, which means to communicate one's insights to others, one becomes in the literal sense an "idiot", one who cannot make himself understandable to others.¹²

The lay perspective on marriage which Vatican II has undoubtedly strengthened over against the expertise of the distanced theologian and canonist thus provides the most immediate and most intimate view of the loving relationship, and it is hard to believe that church officials will ever again be able to rule it out – not only because of the emancipative power with which the "laity" today claims the right for their own view, but above all because of the proper insight it brings to the Christian understanding of the marital union. The church's ongoing struggle for a greater involvement of the laity is not about admitting more lay persons to positions previously held by clerics or religious; it is mainly about allowing the "lay perspective" to gain ground in theology, discipline, and religious practice.

To further explore where such lay perspectives on sexuality, marriage and the family can be detected and how they can be strengthened is the main purpose of this colloquium.

12 See I. Bocken's article "Who is a Layman? Historical and Philosophical Perspectives on the 'Idiota'/'Laicus'" in this issue.